

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Quincy Steele and Jimmy Arriola,
individually and on behalf
of all others similarly situated,

Plaintiffs,

-against-

Wegmans Food Markets, Inc.,

Defendant.

Case No. 1:19-cv-09227-LLS

**NOTICE OF MOTION TO DISMISS
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, Defendant Wegmans Food Markets, Inc., moves, before the Honorable Louis L. Stanton, United States District Court Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007-1312, Courtroom 21C, for an order dismissing the Complaint of Plaintiffs Quincy Steele and Jimmy Arriola (Dkt. 1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted.

Dated: February 24, 2020

Respectfully submitted,

/s/ August T. Horvath

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*Attorneys for Defendant Wegmans Food
Markets, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of February 2020, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via the Court's ECF system.

/s/ August T. Horvath

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